

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2364

Introduced by
Representatives Crandall, Reagan: Adams, Konopnicki

AN ACT

TRANSFERRING AND RENUMBERING SECTION 1-261, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, AS SECTION 19-113; TRANSFERRING AND RENUMBERING SECTION 1-305, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 16, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, AS SECTION 16-206; REPEALING THE ARTICLE HEADING OF TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES; AMENDING SECTION 16-206, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTIONS 16-151, 16-163, 16-166, 16-168, 16-204, 16-222, 16-321, 16-445, 16-543.02, 16-545, 16-584, 16-593, 16-804, 16-826, 16-902.01, 16-916, 19-111, 19-121.01, 48-4433 AND 48-4832, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Transfer and renumber

3 A. Section 1-261, Arizona Revised Statutes, is transferred and
4 renumbered for placement in title 19, chapter 1, article 2, Arizona Revised
5 Statutes, as section 19-113.

6 B. Section 1-305, Arizona Revised Statutes, is transferred and
7 renumbered for placement in title 16, chapter 2, article 1, Arizona Revised
8 Statutes, as section 16-206.

9 Sec. 2. Heading repeal

10 The article heading of title 1, chapter 2, article 4, Arizona Revised
11 Statutes, is repealed.

12 Sec. 3. Section 16-151, Arizona Revised Statutes, is amended to read:

13 16-151. Forms for registration supplied by county recorder and
14 secretary of state

15 A. Blank state voter registration forms for registration of electors
16 shall be supplied by the county recorder.

17 B. The secretary of state shall make available for distribution
18 through governmental and private entities the voter registration forms that
19 are prescribed by the ~~federal~~ election ASSISTANCE commission.

20 Sec. 4. Section 16-163, Arizona Revised Statutes, is amended to read:

21 16-163. Assignment of registrations to general county register;
22 exception; notification to elector; filing of
23 registration forms

24 A. The county recorder ~~shall~~, upon receipt of a registration in proper
25 form, SHALL assign the registration record to its proper precinct and
26 alphabetical arrangement in the general county register. The general county
27 register shall be preserved permanently to reflect the registration as of
28 each general election. After the general county register is revised to
29 reflect the valid registrations for the general election, the county recorder
30 shall provide the Arizona state library, archives and public records with a
31 copy of the revised county register.

32 B. After placing the record of registration in the county general
33 register, the county recorder shall notify the elector within thirty days in
34 writing that the elector's name appears in the general register.

35 C. If the notice that is sent is returned undeliverable, the county
36 recorder may send an additional notice as prescribed by section 16-166,
37 subsection A and that notice shall indicate that the elector must respond no
38 later than ~~twenty-nine~~ THIRTY-FIVE days ~~before the election at which the~~
39 ~~elector intends to vote~~ AFTER THE MAILING OF THE NOTICE.

40 D. All current original registration forms shall be filed countywide
41 or by precinct in alphabetical order by surname of elector. All original
42 registration forms canceled, and all original applications for cancellation
43 of registration received since the preceding general election, shall be
44 separately filed and maintained. Computer output microfilm, listings or
45 other electronic format media containing the information from the general

1 county register after each general election shall be provided to the Arizona
2 state library, archives and public records and shall serve to fulfill the
3 requirements of this subsection and section 16-164, subsection A.

4 Sec. 5. Section 16-166, Arizona Revised Statutes, is amended to read:
5 16-166. Verification of registration

6 A. Except for the mailing of sample ballots, a county recorder who
7 mails an item to any elector shall send the mailing by nonforwardable first
8 class mail marked with the statement required by the postmaster to receive an
9 address correction notification. If the item is returned undelivered, the
10 county recorder shall send a follow-up notice to that elector within three
11 weeks of receipt of the returned notice. The county recorder shall send the
12 follow-up notice to the address that appears on the general county register
13 or to the forwarding address provided by the United States postal service.
14 The follow-up notice shall include a registration form and the information
15 prescribed by section 16-131, subsection C and shall state that if the
16 elector does not complete and return a new registration form with current
17 information to the county recorder within thirty-five days, the name of the
18 elector will be removed from the general register and transferred to the
19 inactive voter list.

20 B. If the elector provides the county recorder with a new registration
21 form, the county recorder shall change the general register to reflect the
22 changes indicated on the new registration. If the elector indicates a new
23 residence address outside that county, the county recorder shall forward the
24 voter registration form to the county recorder of the county in which the
25 elector's address is located. If the elector provides a new residence address
26 that is located outside this state, the county recorder shall cancel the
27 elector's registration.

28 C. The county recorder shall maintain on the inactive voter list the
29 names of electors who have been removed from the general register pursuant to
30 subsection A or E of this section for a period of four years or through the
31 date of the second general election for federal office following the date of
32 the notice from the county recorder that is sent pursuant to subsection E of
33 this section.

34 D. On notice that a government agency has changed the name of any
35 street, route number, post office box number or other address designation,
36 the county recorder shall revise the registration records and shall send a
37 new verification of registration notice to the electors whose records were
38 changed.

39 E. The county recorder on or before May 1 of each year preceding a
40 state primary and general election or more frequently as the recorder deems
41 necessary may use the change of address information supplied by the postal
42 service through its licensees to identify registrants whose addresses may
43 have changed. If it appears from information provided by the postal service
44 that a registrant has moved to a different residence address in the same
45 county, the county recorder shall change the registration records to reflect

1 the new address and shall send the registrant a notice of the change by
2 forwardable mail and a postage prepaid preaddressed return form by which the
3 registrant may verify or correct the registration information. If the
4 registrant fails to return the form postmarked not later than ~~twenty-nine~~
5 THIRTY-FIVE days ~~before the next election~~ AFTER THE MAILING OF THE NOTICE,
6 the elector shall be removed from the general register and transferred to the
7 inactive voter list. If the notice sent by the recorder is not returned, the
8 registrant may be required to provide affirmation or confirmation of the
9 registrant's address in order to vote. If the registrant does not vote in an
10 election during the period after the date of the notice from the recorder
11 through the date of the second general election for federal office following
12 the date of that notice, the registrant's name shall be removed from the list
13 of inactive voters. If the registrant has changed residence to a new county,
14 the county recorder shall provide information on how the registrant can
15 continue to be eligible to vote.

16 F. The county recorder shall reject any application for registration
17 that is not accompanied by satisfactory evidence of United States
18 citizenship. Satisfactory evidence of citizenship shall include any of the
19 following:

20 1. The number of the applicant's driver license or nonoperating
21 identification license issued after October 1, 1996 by the department of
22 transportation or the equivalent governmental agency of another state within
23 the United States if the agency indicates on the applicant's driver license
24 or nonoperating identification license that the person has provided
25 satisfactory proof of United States citizenship.

26 2. A legible photocopy of the applicant's birth certificate that
27 verifies citizenship to the satisfaction of the county recorder.

28 3. A legible photocopy of pertinent pages of the applicant's United
29 States passport identifying the applicant and the applicant's passport number
30 or presentation to the county recorder of the applicant's United States
31 passport.

32 4. A presentation to the county recorder of the applicant's United
33 States naturalization documents or the number of the certificate of
34 naturalization. If only the number of the certificate of naturalization is
35 provided, the applicant shall not be included in the registration rolls until
36 the number of the certificate of naturalization is verified with the United
37 States immigration and naturalization service by the county recorder.

38 5. Other documents or methods of proof that are established pursuant
39 to the immigration reform and control act of 1986.

40 6. The applicant's bureau of Indian affairs card number, tribal treaty
41 card number or tribal enrollment number.

42 G. Notwithstanding subsection F of this section, any person who is
43 registered in this state on the effective date of this amendment to this
44 section is deemed to have provided satisfactory evidence of citizenship and

1 shall not be required to resubmit evidence of citizenship unless the person
2 is changing voter registration from one county to another.

3 H. For the purposes of this section, proof of voter registration from
4 another state or county is not satisfactory evidence of citizenship.

5 I. A person who modifies voter registration records with a new
6 residence ballot shall not be required to submit evidence of citizenship.
7 After citizenship has been demonstrated to the county recorder, the person is
8 not required to resubmit satisfactory evidence of citizenship in that county.

9 J. After a person has submitted satisfactory evidence of citizenship,
10 the county recorder shall indicate this information in the person's permanent
11 voter file. After two years the county recorder may destroy all documents
12 that were submitted as evidence of citizenship.

13 Sec. 6. Section 16-168, Arizona Revised Statutes, is amended to read:

14 16-168. Precinct registers; date of preparation; contents;
15 copies; reports; statewide database; violation;
16 classification

17 A. By the tenth day preceding the primary and general elections the
18 county recorder shall prepare from the original registration forms or from
19 electronic media at least four lists that are printed or typed on paper of
20 all qualified electors in each precinct in the county, and the lists shall be
21 the official precinct registers.

22 B. The official precinct registers for use at the polling place shall
23 contain at least the names in full, party preference, date of registration
24 and residence address of each qualified elector in the respective precincts.
25 The names shall be in alphabetical order and, in a column to the left of the
26 names, shall be numbered consecutively beginning with number 1 in each
27 precinct register.

28 C. For the purposes of transmitting voter registration information as
29 prescribed by this subsection, electronic media in counties with a population
30 over five hundred thousand persons in the last decennial census shall be the
31 principal media. A county or state chairman who is eligible to receive
32 copies of precinct lists as prescribed by this subsection may request that
33 the recorder provide a paper copy of the precinct lists. The county
34 recorder, in addition to preparing the official precinct lists, shall provide
35 a means for mechanically or electronically reproducing the precinct lists and
36 unless otherwise agreed shall deliver within eight days after the close of
37 registration for the primary and general elections, without charge, on the
38 same day one electronic media copy of each precinct list within the county to
39 the county chairman and one electronic media copy to the state chairman of
40 each party that has at least four candidates other than presidential electors
41 appearing ~~upon~~ ON the ballot in that county at the current election. The
42 county recorder shall also deliver, ~~upon~~ ON request and without charge, one
43 electronic media copy of the precinct list to the Arizona legislative
44 council. The county recorder of a county with a population of five hundred
45 thousand or fewer persons, on the same day precinct lists are delivered to

1 county chairmen, shall deliver one electronic media copy of each precinct
2 list within the county to the state chairman of each party that has at least
3 four candidates other than presidential electors appearing on the ballot in
4 this state at the current election. The copies of the precinct lists shall
5 be electronic media and shall include for each elector the following
6 information:

- 7 1. Name in full and appropriate title.
- 8 2. Party preference.
- 9 3. Date of registration.
- 10 4. Residence address.
- 11 5. Mailing address, if different from residence address.
- 12 6. Zip code.
- 13 7. Telephone number if given.
- 14 8. Birth year.
- 15 9. Occupation if given.
- 16 10. Voting history for all elections in the prior four years and any
17 other information regarding registered voters ~~which~~ THAT the county recorder
18 or city or town clerk maintains electronically and ~~which~~ THAT is public
19 information.

20 D. The names on the precinct lists shall be in alphabetical order and
21 the precinct lists in their entirety, unless otherwise agreed, shall be
22 delivered to each county chairman and each state chairman within ten business
23 days of the close of each date for counting registered voters prescribed by
24 subsection G of this section other than the primary and general election
25 registered voter counts in the same format and media as prescribed by
26 subsection C of this section. During the thirty-three days immediately
27 preceding an election and on request from a county or state chairman, the
28 county recorder shall provide a daily list of persons who have requested an
29 early ballot and shall provide a weekly listing of persons who have returned
30 their early ballots. The recorder shall provide the daily and weekly
31 information through the third day preceding the election.

32 E. Precinct registers and other lists and information derived from
33 registration forms may be used only for purposes relating to a political or
34 political party activity, a political campaign or an election, for revising
35 election district boundaries or for any other purpose specifically authorized
36 by law and may not be used for a commercial purpose as defined in section
37 39-121.03. The sale of registers, lists and information derived from
38 registration forms to a candidate or a registered political committee for a
39 use specifically authorized by this subsection does not constitute use for a
40 commercial purpose. The county recorder, on a request for an authorized use
41 and within thirty days from receipt of the request, shall prepare additional
42 copies of an official precinct list and furnish them to any person requesting
43 them on payment of a fee equal to five cents for each name appearing on the
44 register for a printed list and ten cents for each name for an electronic

1 data medium, plus the cost of the blank computer disk or computer software if
2 furnished by the recorder, for each copy so furnished.

3 F. Any person in possession of a precinct register or list, in whole
4 or part, or any reproduction of a precinct register or list, shall not permit
5 the register or list to be used, bought, sold or otherwise transferred for
6 any purpose except for uses otherwise authorized by this section. A person
7 in possession of information derived from voter registration forms or
8 precinct registers shall not distribute, post or otherwise provide access to
9 any portion of that information through the internet except as authorized by
10 subsection ~~J~~ I of this section. Nothing in this section shall preclude
11 public inspection of voter registration records at the office of the county
12 recorder for the purposes prescribed by this section, except that the month
13 and day of birth date, the social security number or any portion thereof, the
14 driver license number or nonoperating identification license number, the
15 unique identifying number prescribed by this section, the Indian census
16 number, the father's name or mother's maiden name, the state or country of
17 birth and the records containing a voter's signature shall not be accessible
18 or reproduced by any person other than the voter, by an authorized government
19 official in the scope of the official's duties, for signature verification on
20 petitions and candidate filings, for election purposes and for news gathering
21 purposes by a person engaged in newspaper, radio, television or reportorial
22 work, or connected with or employed by a newspaper, radio or television
23 station or pursuant to a court order. A person who violates this subsection
24 or subsection E of this section is guilty of a class 6 felony.

25 G. The county recorder shall count the registered voters by political
26 party by precinct, legislative district and congressional district as
27 follows:

28 1. In even numbered years, the county recorder shall count all persons
29 who are registered to vote as of:

30 (a) January 1.

31 (b) March 1.

32 (c) June 1.

33 (d) The last day on which a person may register to be eligible to vote
34 in the next primary election.

35 (e) The last day on which a person may register to be eligible to vote
36 in the next general election.

37 (f) The last day on which a person may register to be eligible to vote
38 in the next presidential preference election.

39 2. In odd numbered years, the county recorder shall count all persons
40 who are registered to vote as of:

41 (a) January 1.

42 (b) April 1.

43 (c) July 1.

44 (d) October 1.

1 H. The county recorder shall report the totals to the secretary of
2 state as soon as is practicable following each of the dates prescribed in
3 subsection G of this section. The report shall include completed
4 registration forms returned in accordance with section 16-134, subsection B.
5 The county recorder shall also provide the report in a uniform electronic
6 computer media format that shall be agreed upon between the secretary of
7 state and all county recorders. The secretary of state shall then prepare a
8 summary report for the state and shall maintain that report as a permanent
9 record.

10 I. The county recorder and the secretary of state shall protect access
11 to voter registration information in an auditable format and method specified
12 in the secretary of state's electronic voting system instructions and
13 procedures manual that is adopted pursuant to section 16-452.

14 J. The secretary of state shall develop and administer a statewide
15 database of voter registration information that contains the name and
16 registration information of every registered voter in this state. The
17 database shall include an identifier that is unique for each individual
18 voter. The database shall provide for access by voter registration officials
19 and shall allow expedited entry of voter registration information after it is
20 received by county recorders. As a part of the statewide voter registration
21 database, county recorders shall provide for the electronic transmittal of
22 that information to the secretary of state on a daily basis. The secretary
23 of state shall provide for maintenance of the database, including provisions
24 regarding removal of ineligible voters that are consistent with the national
25 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
26 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
27 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
28 regarding removal of duplicate registrations and provisions to ensure that
29 eligible voters are not removed in error.

30 K. Except as provided in subsection L of this section, for requests
31 for the use of registration forms and access to information as provided in
32 subsections E and F of this section, the county recorder shall receive and
33 respond to requests regarding federal, state and county elections.

34 L. Beginning January 1, 2008, recognized political parties shall
35 request precinct lists and access to information as provided in subsections E
36 and F of this section during the time periods prescribed in subsection C or D
37 of this section and the county recorder shall receive and respond to those
38 requests. If the county recorder does not provide the requested materials
39 within the applicable time prescribed for the county recorder pursuant to
40 subsection C or D of this section, a recognized political party may request
41 that the secretary of state provide precinct lists and access to information
42 as provided in subsections E and F of this section for federal, state and
43 county elections. The secretary of state shall not provide access to
44 precinct lists and information for recognized political parties unless the
45 county recorder has failed or refused to provide the lists and materials as

1 prescribed by this section. The secretary of state may charge the county
2 recorder a fee determined by rule for each name or record produced.

3 M. For municipal registration information in those municipalities in
4 which the county administers the municipal elections, county and state party
5 chairmen shall request and obtain voter registration information and precinct
6 lists from the city or town clerk during the time periods prescribed in
7 subsection C or D of this section. If the city or town clerk does not
8 provide that information within the same time prescribed for county recorders
9 pursuant to subsection C or D of this section, the county or state party
10 chairman may request and obtain the information from the county recorder.
11 The county recorder shall provide the municipal voter registration and
12 precinct lists within the time prescribed in subsection C or D of this
13 section.

14 Sec. 7. Section 16-204, Arizona Revised Statutes, is amended to read:
15 16-204. Declaration of statewide concern; consolidated election
16 dates

17 A. While the legislature recognizes that the method of conducting
18 elections by political subdivisions, including charter counties and cities,
19 may be a matter of local concern, the legislature finds and determines that
20 for the purposes of increasing voter participation and for decreasing the
21 costs to the taxpayers it is a matter of statewide concern that all elections
22 in this state be conducted on a limited number of days and, therefore, the
23 legislature finds and declares that the holding of all elections on certain
24 specific consolidated days is a matter of statewide concern.

25 B. Notwithstanding any other law or any charter or ordinance of any
26 county, city or town to the contrary, an election held for or on behalf of a
27 county, city or town, a school district, a community college district or
28 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13
29 through 16 and 33 may only be held on the following dates:

30 1. Except for regular elections for candidates in a city or town with
31 a population of one hundred seventy-five thousand or more persons, all
32 elections, including recall elections and special elections to fill
33 vacancies, shall be held on:

34 (a) The second Tuesday in March.

35 (b) The third Tuesday in May.

36 (c) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first
37 Monday in November.

38 (d) The first Tuesday after the first Monday in November.
39 Notwithstanding any other law, an election must be held on this date for the
40 approval of an obligation or other authorization requiring or authorizing the
41 assessment of secondary property taxes by a county, city, town, school
42 district, community college district or special taxing district, except as
43 provided by title 48.

44 2. For regular elections that are only for candidates in a city or
45 town with a population of one hundred seventy-five thousand or more persons

1 and not including recall elections and special elections to fill vacancies in
2 those cities or towns, elections shall be held on:

3 (a) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first
4 Monday in November.

5 (b) The first Tuesday after the first Monday in November.

6 C. For any city or town, including a charter city, that holds its
7 regularly scheduled candidate elections in even-numbered years pursuant to
8 subsection B, paragraph 2, the term of office for a member of the city
9 council or for the office of mayor begins on or after the second Tuesday in
10 January in the year following the election.

11 D. This section does not apply to an election regarding a county or
12 city charter committee or county or city charter proposal that is conducted
13 pursuant to article XIII, section 2 or 3 or article XII, section 5,
14 Constitution of Arizona.

15 Sec. 8. Section 16-206, Arizona Revised Statutes, as transferred and
16 renumbered by this act, is amended to read:

17 16-206. Election day

18 A. The biennial primary election day on the ~~eighth~~ NINTH Tuesday
19 before the general election and the biennial general election day on the
20 first Tuesday after the first Monday in November of every even-numbered year
21 are not legal holidays.

22 B. Every public officer or employee is entitled to absence from
23 service or employment for the purpose of voting pursuant to section 16-402 on
24 the biennial primary and general election days.

25 Sec. 9. Section 16-222, Arizona Revised Statutes, is amended to read:

26 16-222. Vacancy in the office of United States senator or
27 representative

28 A. When a vacancy occurs in the office of United States senator or
29 representative in Congress by reason of death or resignation, or from any
30 other cause, the vacancy shall be filled at the next general election. At
31 such election the person elected shall fill the unexpired term of the vacated
32 office.

33 B. For a vacancy in the office of representative in Congress, if the
34 next general election is not to be held within six months from the date of
35 the occurrence of the vacancy, the governor shall call a special primary
36 election and a special general election to fill the vacancy. **THE GOVERNOR
37 SHALL CALL THE SPECIAL PRIMARY ELECTION AND ESTABLISH ITS DATE WITHIN
38 SEVENTY-TWO HOURS AFTER THE OFFICE IS OFFICIALLY DECLARED VACANT.
39 NOTWITHSTANDING SECTIONS 16-313, 16-351 AND 16-542, FOR A CANDIDATE FOR
40 OFFICE AT AN ELECTION HELD PURSUANT TO THIS SUBSECTION, THE FOLLOWING APPLY:**

41 **1.** The special primary election shall be held no less than
42 ~~seventy-five~~ SIXTY nor more than ~~one hundred five~~ NINETY days after the
43 occurrence of the vacancy, and the special general election shall be held not
44 less than ~~thirty-five~~ FIFTY nor more than ~~forty-five~~ SIXTY days after the
45 special primary election.

1 2. NOMINATION PAPERS AND NOMINATION PETITIONS SHALL BE FILED NO LATER
2 THAN TEN DAYS AFTER THE DATE OF THE PROCLAMATION CALLING THE ELECTION.

3 3. ANY COURT ACTION CHALLENGING THE NOMINATION OF A CANDIDATE SHALL BE
4 FILED NO LATER THAN 5:00 P.M. ON THE FIFTH BUSINESS DAY AFTER THE LAST DAY
5 FOR FILING NOMINATION PAPERS AND PETITIONS.

6 4. THE SUPERIOR COURT SHALL HEAR AND RENDER A DECISION WITHIN FIVE
7 DAYS AFTER THE FILING OF THE ACTION.

8 5. BEGINNING FIFTEEN DAYS BEFORE THE DATE OF THE ELECTION, THE COUNTY
9 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAIL EARLY BALLOTS
10 WITHIN FORTY-EIGHT HOURS AFTER RECEIPT OF A COMPLETE AND CORRECT EARLY BALLOT
11 REQUEST FROM PERSONS QUALIFIED TO VOTE.

12 C. For a vacancy in the office of United States senator, the governor
13 shall appoint a person to fill the vacancy. That appointee shall be of the
14 same political party as the person vacating the office and shall serve until
15 the person elected at the next general election is qualified and assumes
16 office.

17 D. FOR A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS THAT
18 OCCURS SIMULTANEOUSLY WITH AT LEAST ONE HUNDRED ADDITIONAL VACANCIES IN THE
19 OFFICE OF REPRESENTATIVE IN CONGRESS AS PRESCRIBED BY 2 UNITED STATES CODE
20 SECTION 8, A SPECIAL GENERAL ELECTION TO FILL THE VACANCY IN THIS STATE SHALL
21 BE HELD NO MORE THAN FORTY-NINE DAYS AFTER THE DECLARATION OF THE VACANCY
22 UNLESS A REGULARLY SCHEDULED GENERAL ELECTION OR PREVIOUSLY SCHEDULED SPECIAL
23 GENERAL ELECTION IS HELD WITHIN SEVENTY-FIVE DAYS AFTER THE DECLARATION OF
24 THE VACANCY.

25 Sec. 10. Section 16-321, Arizona Revised Statutes, is amended to read:

26 16-321. Signing and certification of nomination petition

27 A. Each signer of a nomination petition shall sign only one petition
28 for the same office unless more than one candidate is to be elected to such
29 office, and in that case not more than the number of nomination petitions
30 equal to the number of candidates to be elected to the office. A signature
31 shall not be counted on a nomination petition unless the signature is upon a
32 sheet bearing the form prescribed by section 16-314.

33 B. For the purposes of petitions filed pursuant to sections 16-312,
34 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
35 voter who at the time of signing is a registered voter in the electoral
36 district of the office the candidate is seeking.

37 C. If an elector signs more nomination petitions than permitted by
38 subsection A of this section, the earlier signatures of the elector are
39 deemed valid, as determined by the date of the signature as shown on the
40 petitions. If the signatures by the elector are dated on the same day, all
41 signatures by that elector on that day are deemed invalid. Any signature by
42 that elector on a nomination petition on or after the date of the last
43 otherwise valid signature is deemed invalid and shall not be counted.

1 D. The person before whom the signatures were written on the signature
2 sheet shall be qualified to register to vote in this state pursuant to
3 section 16-101 and shall verify that each of the names on the petition was
4 signed in his presence on the date indicated, and that in his belief each
5 signer was a qualified elector who resides at the address given as the
6 signer's residence on the date indicated and, if for a partisan election,
7 that each signer is a member of the party ~~the nomination of~~ FROM which the
8 candidate ~~whose name appears on the nomination petition~~ is seeking
9 NOMINATION, OR THE SIGNER IS A MEMBER OF A POLITICAL PARTY THAT IS NOT
10 ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO SECTION 16-804
11 OR THE SIGNER IS REGISTERED AS INDEPENDENT OR NO PARTY PREFERRED. The way
12 the name appears on the petition shall be the name used in determining the
13 validity of the name for any legal purpose pursuant to the election laws of
14 this state. Signature and handwriting comparisons may be made.

15 Sec. 11. Section 16-445, Arizona Revised Statutes, is amended to read:

16 16-445. Filing of computer election programs with secretary of
17 state

18 A. For any state, county, school district, special district, city or
19 town election, including primary elections, utilizing vote tabulating devices
20 as provided in this article, there shall be filed with the secretary of state
21 at least ten days before the date of the election a copy of each computer
22 program for each election. The secretary of state shall hold all computer
23 program software filed pursuant to this section in escrow for three years.
24 The secretary of state shall securely destroy the software filed pursuant to
25 this section on the expiration of the three year period.

26 B. A copy of any subsequent revision of the computer program shall be
27 filed in the same manner within forty-eight hours following the revision.

28 C. Any tape or disc used in the programming or operation of a vote
29 tabulating device upon which votes are counted and any tape used in compiling
30 vote totals shall be kept under lock and seal, and if there is a retally of
31 votes, the officer entrusted with the tapes or discs shall submit his
32 affidavit stating that they are the tapes or discs, or both, used in the
33 election and have not been altered.

34 D. All materials submitted to the secretary of state shall be used by
35 the secretary of state or attorney general to preclude fraud or any unlawful
36 act under the laws of this title and title 19 and shall not be disclosed or
37 used for any other purpose.

38 ~~E. Each program tape or disc or any other material submitted to the~~
39 ~~secretary of state shall be returned to the county, city or town within six~~
40 ~~months after the close of the election for which it was submitted except:~~

41 ~~1. When a court ordered recount is pending.~~

42 ~~2. When a restraining order is in effect.~~

43 ~~3. When any other legal action is pending.~~

1 Sec. 12. Section 16-543.02, Arizona Revised Statutes, is amended to
2 read:

3 16-543.02. Federal write-in early ballots; procedure;
4 registration form

5 A. An overseas voter as defined in the uniformed and overseas citizens
6 absentee voting act of 1986 (P.L. 99-410; 42 United States Code section
7 1973ff-6), as amended by the Ronald W. Reagan national defense authorization
8 act for fiscal year 2005 (P.L. 108-375), who is absent from the place of
9 residence in this state where the voter is otherwise qualified to vote may
10 use a federal write-in early ballot in a primary, general or special election
11 for the offices of presidential elector and United States senator and
12 representative in Congress if the voter applies for an early ballot by
13 7:00 p.m. on election day and does not receive that early ballot.

14 B. A federal write-in early ballot of an overseas voter shall not be
15 counted if either of the following conditions ~~are~~ IS met:

16 1. The application of the overseas voter for an early ballot is
17 received by the county recorder or other officer in charge of elections after
18 7:00 p.m. on election day.

19 2. An early ballot from the overseas voter is received by the county
20 recorder or other officer in charge of elections by 7:00 p.m. on election
21 day.

22 C. An overseas voter who completes a federal write-in early ballot may
23 designate a candidate by writing in the name of the candidate or by writing
24 in the name of a political party, in which case the ballot shall be counted
25 for the candidate of that political party. In the case of the offices of
26 president and vice-president, a vote for a named candidate or in the name of
27 the political party shall be counted as a vote for that candidate's or
28 party's presidential electors. Any abbreviation, misspelling or other minor
29 variation in the form of the name of a candidate or political party shall be
30 disregarded in determining the validity of the ballot if the intention of the
31 voter can be ascertained.

32 D. For an overseas voter who completes a federal write-in early ballot
33 transmission envelope with the federal write-in early ballot request, the
34 transmission envelope shall serve as a voter registration form and the voter
35 is registered to vote on completion and receipt of the transmission envelope
36 and the federal write-in early ballot if all of the following apply:

37 1. The information submitted on the transmission envelope includes the
38 information prescribed in section 16-121.01.

39 2. The voter is otherwise eligible to register and vote in this state.

40 3. The request is received by the county recorder by 7:00 p.m. on
41 election day. **FOR ANY REQUEST RECEIVED AFTER 7:00 P.M. ON ELECTION DAY, AN
42 OTHERWISE VALID TRANSMISSION ENVELOPE CONSTITUTES A VOTER REGISTRATION FORM
43 THAT IS VALID FOR ANY SUBSEQUENT ELECTION.**

1 there is no indication that the voter voted an early ballot, the provisional
2 ballot envelope shall be opened and the ballot shall be counted. If there is
3 information showing the person did vote, the provisional ballot shall remain
4 unopened and shall not be counted. When provisional ballots are confirmed
5 for counting, the county recorder shall use the information supplied on the
6 provisional ballot envelope to correct the address record of the voter.

7 E. When a voter is allowed to vote a provisional ballot, the elector's
8 name shall be entered on a separate signature roster page at the end of the
9 signature roster. Voters' names shall be numbered consecutively beginning
10 with the number V-1. The elector shall sign in the space provided. The
11 ballot stub shall be removed and the ballot shall be placed in a separate
12 envelope, the outside of which shall contain the precinct name or number, a
13 sworn or attested statement of the elector that the elector resides in the
14 precinct, is eligible to vote in the election and has not previously voted in
15 the election, the signature of the elector and the voter registration number
16 of the elector, if available. The ballot shall be verified for proper
17 registration of the elector by the county recorder before being counted. The
18 verification shall be made by the county recorder **WITHIN TEN CALENDAR DAYS**
19 **AFTER A GENERAL ELECTION THAT INCLUDES AN ELECTION FOR A FEDERAL OFFICE AND**
20 within five business days following ~~the~~ **ANY OTHER** election, and the voter
21 receipt card, notification or identification card, if any, from the county
22 recorder used therefor, if valid, shall be returned to the elector within a
23 reasonable time thereafter. Verified ballots shall be counted by depositing
24 the ballot in the ballot box and showing on the records of the election that
25 the elector has voted. If registration is not verified the ballot shall
26 remain unopened and shall be retained in the same manner as voted ballots.

27 F. For any person who votes a provisional ballot, the county recorder
28 or other officer in charge of elections shall provide for a method of
29 notifying the provisional ballot voter at no cost to the voter whether the
30 voter's ballot was verified and counted and, if not counted, the reason for
31 not counting the ballot. The notification may be in the form of notice by
32 mail to the voter, establishment of a toll free telephone number, internet
33 access or other similar method to allow the voter to have access to this
34 information. The method of notification shall provide reasonable
35 restrictions that are designed to limit transmittal of the information only
36 to the voter.

37 Sec. 15. Section 16-593, Arizona Revised Statutes, is amended to read:
38 **16-593. Rules determining residence of voter upon challenge;**
39 **reading of rules upon request**

40 A. The election board, in determining the place of residence of a
41 person, shall be governed by the following rules, so far as applicable:

42 1. The residence of a person is that place in which his habitation is
43 fixed and to which he has the intention of returning when absent.

44 2. A person does not gain or lose his residence by reason of his
45 presence at or absence from a place while employed in the service of the

1 United States or of this state, or while engaged in navigation, or while a
2 student at an institution of learning or while kept in an almshouse, asylum
3 or prison.

4 3. A person does not lose his residence by leaving his home to go to
5 another county, state or foreign country for merely temporary purposes, with
6 the intention of returning.

7 4. A person does not gain a residence in any county into which he
8 comes for merely temporary purposes, without the intention of making that
9 county his home.

10 5. If a person removes to another state with the intention of making
11 it his residence, he loses his residence in this state.

12 6. If a person removes to another state with the intention of
13 remaining there for an indefinite time, and of making the place his present
14 residence, he loses his residence in this state, even though he has an
15 intention of returning at some future period.

16 7. The place where a person's family permanently resides is his
17 residence, unless he is separated from his family, but if it is a place of
18 temporary establishment for his family, or for transient purposes, it is
19 otherwise.

20 8. If a person has a family residing in one place and he does business
21 in another, the former is his place of residence, but a person having a
22 family who has taken up his abode with the intention of remaining and whose
23 family does not so reside with him shall be regarded as a resident where his
24 abode has been taken.

25 9. A PERSON WHO HAS NEVER RESIDED IN THE UNITED STATES BUT WHOSE
26 PARENT IS A UNITED STATES CITIZEN WHO IS REGISTERED TO VOTE IN THIS STATE IS
27 ELIGIBLE TO VOTE IN THIS STATE BY USING A FEDERAL WRITE-IN EARLY BALLOT AS
28 PRESCRIBED IN SECTIONS 16-103 AND 16-543.02.

29 ~~9-~~ 10. The mere intention of acquiring a new residence without the
30 act of removal avails nothing and neither does the act of removal without the
31 intention.

32 B. The term of residence shall be computed by including the day on
33 which the person's residence commenced and by excluding the day of election.

34 C. Before administering an oath to a person touching his residence,
35 the inspector ~~shall~~, if requested by any person, SHALL read to the person
36 challenged the rules set forth in subsection A OF THIS SECTION.

37 Sec. 16. Section 16-804, Arizona Revised Statutes, is amended to read:

38 16-804. Continued representation on basis of votes cast at last
39 preceding general election or registered electors

40 A. A political organization that at the last preceding general
41 election cast for governor or presidential electors or for county attorney or
42 for mayor, whichever applies, not less than five per cent of the total votes
43 cast for governor or presidential electors, in the state or in such county,
44 city or town, is entitled to representation as a political party on the

1 official ballot for state officers or for officers of such county or local
2 subdivision.

3 B. In lieu of subsection A, a political organization is entitled to
4 continued representation as a political party on the official ballot for
5 state, county, city or town officers if, on November 1 of the year
6 immediately preceding the year in which the general election for state or
7 county officers and for city or town officers one hundred fifty-five days
8 immediately preceding the primary election in such jurisdiction, such party
9 has registered electors in the party equal to at least two-thirds of one per
10 cent of the total registered electors in such jurisdiction.

11 C. The secretary of state shall determine the political parties
12 qualified for continued representation on the state ballot pursuant to this
13 section by February 1 of the appropriate year. Each county recorder shall
14 furnish to the secretary of state such information as the secretary of state
15 may require no later than ~~January 15~~ **NOVEMBER 30** of such year.

16 D. Each county recorder shall determine the political parties
17 qualified for the county ballot pursuant to this section by February 1 of the
18 appropriate year.

19 E. Each city or town clerk of a city or town providing for partisan
20 elections shall determine the political parties qualified for such city or
21 town ballot pursuant to this section one hundred forty days before the
22 primary election.

23 Sec. 17. Section 16-826, Arizona Revised Statutes, is amended to read:
24 **16-826. Meeting, organization and officers of state committee**

25 A. The state committee shall meet ~~in the city where the state capitol~~
26 ~~is located~~ no earlier than ten days after the last county meeting of the
27 party and in any event no later than the fourth Saturday in January following
28 a general election and organize by electing from its membership a chairman, a
29 secretary and a treasurer.

30 B. The chairman of the state committee shall cause notice of the time
31 and place of ~~such~~ **THE** meeting to be mailed to each state committeeman at
32 least ten days ~~prior to~~ **BEFORE** the date of ~~such~~ **THE** meeting.

33 Sec. 18. Section 16-902.01, Arizona Revised Statutes, is amended to
34 read:

35 **16-902.01. Registration of political committees; contents;**
36 **amendment**

37 A. Each political committee that intends to accept contributions or
38 make expenditures of more than five hundred dollars shall file a statement of
39 organization with the filing officer before accepting contributions, making
40 expenditures, distributing any campaign literature or circulating petitions.
41 Each political committee that intends to accept contributions or make
42 expenditures of five hundred dollars or less shall file a signed exemption
43 statement in a form prescribed by the filing officer that states that
44 intention before making any expenditures, accepting any contributions,
45 distributing any campaign literature or circulating petitions. If a

1 political committee that has filed a five hundred dollar threshold exemption
2 statement receives contributions or makes expenditures of more than five
3 hundred dollars, that political committee shall file a statement of
4 organization with the filing officer within five business days after
5 exceeding the five hundred dollar limit.

6 B. The statement of organization of a political committee shall
7 include all of the following:

8 1. The name, address and type of committee.

9 2. The name, address, relationship and type of any sponsoring
10 organization.

11 3. The names, addresses, telephone numbers, occupations and employers
12 of the chairman and treasurer of the committee.

13 4. In the case of a candidate's campaign committee, the name, address,
14 office sought and party affiliation of the candidate.

15 5. A listing of all banks, safety deposit boxes or other depositories
16 used by the committee.

17 C. Except as prescribed by subsection E **OF THIS SECTION**, on the filing
18 of a statement of organization, a political committee shall be issued an
19 identification number.

20 D. The political committee shall file an amended statement of
21 organization reporting any change in the information prescribed in subsection
22 B **OF THIS SECTION** within five business days after the change.

23 E. A standing political committee shall file a statement of
24 organization with the secretary of state and in each jurisdiction in which
25 the committee is active, and only the secretary of state shall issue an
26 identification number for the committee. The statement of organization shall
27 include a statement with the notarized signature of the chairman or treasurer
28 of the standing political committee that declares the committee's status as a
29 standing political committee. The secretary of state may charge an annual
30 fee for the filing.

31 F. For a political committee that makes expenditures in an attempt to
32 influence the results of a ballot proposition election, the statement of
33 organization shall include in the name of the political committee **THE**
34 **OFFICIAL SERIAL NUMBER FOR THE PETITION AND** a statement as to whether the
35 political committee supports or opposes the passage of the ballot measure.
36 ~~Within five days after receipt of an official serial number for the petition,~~
37 ~~the political committee shall file an amended statement of organization that~~
38 ~~contains the official serial number for the petition.~~ **ON COMPLETION OF THE**
39 **DESIGNATION OF STATEWIDE BALLOT PROPOSITIONS BY NUMBER AS PRESCRIBED IN**
40 **SECTION 19-125, THE SECRETARY OF STATE IS AUTHORIZED AND SHALL AMEND THE NAME**
41 **OF THE POLITICAL COMMITTEE BY ATTACHING TO THE STATEMENT OF ORGANIZATION THE**
42 **BALLOT PROPOSITION NUMBER AS A SUBSTITUTE FOR THE OFFICIAL SERIAL NUMBER IN**
43 **THE NAME OF THE POLITICAL COMMITTEE. THE SECRETARY OF STATE SHALL PROMPTLY**
44 **NOTIFY THE POLITICAL COMMITTEE OF THE AMENDED POLITICAL COMMITTEE NAME AND**
45 **SHALL MAKE THAT INFORMATION AVAILABLE TO THE PUBLIC.**

1 Sec. 19. Section 16-916, Arizona Revised Statutes, is amended to read:
2 16-916. Filing statements of contributions and expenditures:
3 public inspection

4 A. Except as provided in subsection B of this section, the statements,
5 designations and reports required to be filed pursuant to this article shall
6 be filed as follows:

7 1. In the office of the secretary of state for political committees
8 supporting or opposing the recall of a public officer elected statewide or to
9 the legislature, supporting the circulation of petitions for ballot measures,
10 questions and propositions appearing on a state general election ballot or
11 recall of public officials elected statewide or to the legislature or
12 supporting or opposing candidates for state offices and members of the
13 legislature, for justices of the supreme court, for judges of the court of
14 appeals and for a statewide initiative or referendum or any measure or
15 proposition appearing on a state general election ballot.

16 2. With the county officer in charge of elections for political
17 committees supporting or opposing the recall of public officers elected to
18 county offices, school district governing boards, community college district
19 governing boards or judges of the superior court, supporting the circulation
20 of petitions for ballot measures, questions and propositions appearing on a
21 county election ballot or for the recall of a public officer elected to
22 county offices, school district governing boards, community college district
23 governing boards or judges of the superior court or supporting or opposing
24 candidates for county offices, school district governing board members or
25 ballot questions, community college district governing board members or
26 ballot questions, judges of the superior court seeking retention, special
27 taxing districts and a county initiative or referendum or any measure or
28 proposition appearing on a county election ballot.

29 3. With the city or town clerk for political committees supporting or
30 opposing the recall of public officers elected to city or town offices,
31 supporting the circulation of petitions for ballot measures, questions and
32 propositions appearing on a city or town election ballot or recall of public
33 officers elected for city or town offices or supporting or opposing
34 candidates for city or town offices and for a city or town initiative or
35 referendum or any measure or proposition appearing on a city or town election
36 ballot.

37 B. An original and one copy of the reports required pursuant to
38 section 16-913 for the office of member of the legislature shall be filed
39 ~~with either the officer in charge of elections of the county of the~~
40 ~~candidate's residence or with the secretary of state. If the candidate files~~
41 ~~with the officer in charge of elections, the officer shall transmit the copy~~
42 ~~to the secretary of state within five days, excluding Saturdays, Sundays and~~
43 ~~other legal holidays. If the candidate files with the secretary of state,~~
44 ~~the secretary of state shall transmit the copy to the officer in charge of~~
45 ~~elections of the county of the candidate's residence within five days,~~

1 ~~excluding Saturdays, Sundays and other legal holidays.~~ The secretary of
2 state may provide through the procedures manual adopted pursuant to section
3 16-452 for an alternative method for providing public access to the reports
4 prescribed by this section.

5 C. For all statements, designations and reports, the date of filing is
6 the date of actual receipt by the officer with whom the document is required
7 to be filed except as follows:

8 1. For documents filed by certified mail with a United States mail
9 postmark, the date of mailing constitutes the date of filing.

10 2. For documents filed by commercial delivery services that provide a
11 standardized delivery confirmation process, the date of delivery confirmation
12 constitutes the date of filing.

13 3. For documents filed by commercial delivery services that provide
14 for electronic tracking of specific delivery packages, the date of electronic
15 confirmation of delivery constitutes the date of filing.

16 D. If the date for filing any statement, designation or report
17 required by this article is a Saturday, a Sunday or another legal holiday,
18 the filing deadline is the next day that is not a Saturday, a Sunday or
19 another legal holiday.

20 Sec. 20. Section 19-111, Arizona Revised Statutes, is amended to read:

21 19-111. Number for petition

22 A. A person or organization intending to propose a law or
23 constitutional amendment by initiative petition or to file a referendum
24 petition against a measure, item, section or part of a measure ~~shall~~, before
25 causing the petition to be printed and circulated, **SHALL** file with the
26 secretary of state an application, on a form to be provided by the secretary
27 of state, setting forth his name or, if an organization, its name and the
28 names and titles of its officers, address, his intention to circulate and
29 file a petition, a description of no more than one hundred words of the
30 principal provisions of the proposed law, constitutional amendment or measure
31 and the text of the proposed law, constitutional amendment or measure to be
32 initiated or referred in no less than eight point type, and applying for
33 issuance of an official serial number. **AT THE SAME TIME AS THE PERSON OR
34 ORGANIZATION FILES ITS APPLICATION, THE PERSON OR ORGANIZATION SHALL FILE
35 WITH THE SECRETARY OF STATE ITS STATEMENT OF ORGANIZATION OR ITS SIGNED
36 EXEMPTION STATEMENT AS PRESCRIBED BY SECTION 16-902.01. THE SECRETARY OF
37 STATE SHALL NOT ACCEPT AN APPLICATION FOR INITIATIVE OR REFERENDUM WITHOUT AN
38 ACCOMPANYING STATEMENT OF ORGANIZATION OR SIGNED EXEMPTION STATEMENT AS
39 PRESCRIBED BY THIS SUBSECTION.**

40 B. On receipt of the application, the secretary of state shall assign
41 an official serial number to the petition, which number shall appear in the
42 lower right-hand corner of each side of each copy thereof, and issue that
43 number to the applicant. Numbers shall be assigned to petitions by the
44 secretary of state in numerical sequence, and a record shall be maintained in

1 his office of each application received and of the numbers assigned and
2 issued to the applicant.

3 C. The secretary of state shall print in pamphlet form and shall
4 furnish to each applicant, at the time the application is submitted, a copy
5 of the text of this article governing the initiative and referendum and all
6 rules adopted by the secretary of state pursuant to this title. In addition,
7 the secretary of state shall at this time furnish the applicant with a
8 statement of organization form and a notice stating: "This statement must be
9 filed before valid signatures can be collected." The secretary of state
10 shall furnish a sufficient supply of these pamphlets to the county, city and
11 town clerks who shall similarly furnish the pamphlet to each applicant.

12 D. The eight point type required by subsection A **OF THIS SECTION** shall
13 not apply to maps, charts or other graphics.

14 Sec. 21. Section 19-121.01, Arizona Revised Statutes, is amended to
15 read:

16 **19-121.01. Secretary of state; removal of petition and**
17 **ineligible signatures; facsimile sheets; random**
18 **sample**

19 A. Within fifteen days, excluding Saturdays, Sundays and other legal
20 holidays, of the date of filing of an initiative or referendum petition and
21 issuance of the receipt, the secretary of state shall:

22 1. Remove the following:

23 (a) Those sheets not attached to a copy of the title and text of the
24 measure.

25 (b) The copy of the title and text from the remaining petition sheets.

26 (c) Those sheets not bearing the petition serial number in the lower
27 right-hand corner of each side.

28 (d) Those sheets containing a circulator's affidavit that is not
29 completed or signed.

30 (e) Those sheets on which the affidavit of the circulator is not
31 notarized, the notary's signature is missing, the notary's commission has
32 expired or the notary's seal is not affixed.

33 (f) Those sheets on which the signatures of the circulator or the
34 notary are dated earlier than the dates on which the electors signed the face
35 of the petition sheet.

36 2. After completing the steps in paragraph 1 of this subsection,
37 review each sheet to determine the county of the majority of the signers and
38 shall:

39 (a) Place a three or four letter abbreviation designating that county
40 in the upper right-hand corner of the face of the petition.

41 (b) Remove all signatures of those not in the county of the majority
42 on each sheet by marking an "SS" in red ink in the margin to the right of the
43 signature line.

1 (c) Cause all signature sheets to be grouped together by county of
2 registration of the majority of those signing and attach them to one or more
3 copies of the title and text of the measure. If the sheets are too bulky for
4 convenient grouping by the secretary of state in one volume by county, they
5 may be bound in two or more volumes with those in each volume attached to a
6 single printed copy of the measure. The remaining detached copies of the
7 title and text of the measure shall be delivered to the applicant.

8 3. After completing the steps in paragraph 2 of this subsection,
9 remove the following signatures that are not eligible for verification by
10 marking an "SS" in red ink in the margin to the right of the signature line:

11 (a) If the signature of the qualified elector is missing.

12 (b) If the residence address or the description of residence location
13 is missing.

14 (c) If the date on which the petitioner signed is missing.

15 (d) Signatures in excess of the fifteen signatures permitted per
16 petition.

17 (e) Signatures withdrawn pursuant to section ~~1-261~~ 19-113.

18 4. After the removal of petition sheets and signatures, count the
19 number of signatures for verification on the remaining petition sheets and
20 note that number in the upper right-hand corner of the face of each petition
21 sheet immediately above the county designation.

22 5. Number the remaining petition sheets that were not previously
23 removed and that contain signatures eligible for verification in consecutive
24 order on the front side of each petition sheet in the upper left-hand corner.

25 6. Count all remaining petition sheets and signatures not previously
26 removed and issue a receipt to the applicant of this total number eligible
27 for verification.

28 B. If the total number of signatures for verification as determined
29 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
30 constitutional minimum, the secretary of state, during the same fifteen day
31 period provided in subsection A of this section, shall select, at random,
32 five per cent of the total signatures eligible for verification by the county
33 recorders of the counties in which the persons signing the petition claim to
34 be qualified electors. The random sample of signatures to be verified shall
35 be drawn in such a manner that every signature eligible for verification has
36 an equal chance of being included in the sample. The random sample produced
37 shall identify each signature selected by petition page and line number. The
38 signatures selected shall be marked according to the following procedure:

39 1. Using red ink, mark the selected signature by circling the line
40 number and drawing a line from the base of the circle extending into the left
41 margin.

42 2. If a signature line selected for the random sample is found to be
43 blank or was removed from the verification process pursuant to subsection A
44 of this section and is marked with an "SS", then the next line down, even if
45 that requires going to the next petition sheet in sequence, on which an

1 eligible signature appears shall be selected as a substitute if that line has
2 not already been selected for the random sample. If the next eligible line
3 is already being used in the random sample, the secretary of state shall
4 proceed back up the page from the signature line originally selected for the
5 random sample to the next previous signature line eligible for verification.
6 If that line is already being used in the random sample, the secretary of
7 state shall continue moving down the page or to the next page from the line
8 originally selected for the random sample and shall select the next eligible
9 signature as its substitute for the random sample. The secretary of state
10 shall use this process of alternately moving forward and backward until a
11 signature eligible for verification and not already included in the random
12 sample can be selected and substituted.

13 C. After the selection of the random sample and the marking of the
14 signatures selected on the original petition sheets pursuant to subsection B
15 of this section, the secretary of state shall reproduce a facsimile of the
16 front of each signature sheet on which a signature included in the random
17 sample appears. The secretary of state shall clearly identify those
18 signatures marked for verification by color highlighting or other similar
19 method and shall transmit by personal delivery or certified mail to each
20 county recorder a facsimile sheet of each signature sheet on which a
21 signature appears of any individual claiming to be a qualified elector of
22 that county AND whose signature was selected for verification as part of the
23 random sample.

24 D. The secretary of state shall retain in custody all signature sheets
25 removed pursuant to this section except as otherwise prescribed in this
26 title.

27 Sec. 22. Section 48-4433, Arizona Revised Statutes, is amended to
28 read:

29 48-4433. District elections; nominating petitions

30 A. A candidate for election to the board as a division director shall
31 be nominated by a petition that is signed by at least five hundred qualified
32 electors of the division in which the candidate resides and that is filed as
33 prescribed by title 16, chapter 3.

34 B. If a division is located wholly in one county, the nominating
35 petition shall be filed with the clerk of the board of supervisors or the
36 elections officer of that county as prescribed by title 16, chapter 3.

37 C. If a division is located in two or more counties, the nominating
38 petition shall be filed ~~AS PRESCRIBED BY TITLE 16, CHAPTER 3~~ with the
39 ~~secretary of state as prescribed by title 16, chapter 3~~ COUNTY ELECTION
40 OFFICER OF THE COUNTY WITH THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE
41 DISTRICT. The ~~secretary of state~~ COUNTY ELECTION OFFICER shall immediately
42 notify the boards of supervisors of each county included in the division.
43 The board of supervisors so notified shall provide for the manner of voting
44 and conduct of the election as provided for in subsection D of this section.

1 D. The names of the candidates for election to the board as division
2 directors shall be included on the general election ballot of the division in
3 which the candidate resides, without party designation. The manner of voting
4 and conducting the election for the division directors shall conform to the
5 provisions of law relating to the general election of county officers.

6 E. The procedures for nomination and election of at large directors
7 shall be established by the board by rule adopted within sixty days after the
8 appointment of the initial board subject to the following:

9 1. Only district members are eligible to vote for at large directors.

10 2. Each district member is entitled to cast three votes for each
11 acre-foot of replenishment obligation as computed for that district member
12 pursuant to section 48-4463 during the four years preceding the election. In
13 the initial election of at large directors, each district member is entitled
14 to cast three votes for each acre-foot of the replenishment obligation that
15 would have been computed if the district had existed for the entire period
16 between January 1 of the fourth year preceding the calendar year in which the
17 district is established and December 31 of the year preceding the year in
18 which the election takes place.

19 3. Each district member may cast its votes as computed under paragraph
20 2 for three different candidates, may cumulate its votes for one candidate or
21 may distribute its votes in any combination among three or fewer candidates.

22 4. The three candidates who receive the most votes shall serve as at
23 large directors for the district for the prescribed term of office.

24 F. Title 16, chapter 2, article 3 does not apply to any election held
25 pursuant to this chapter.

26 G. All expenses for the election of division directors incurred
27 pursuant to this section are the responsibility of the county or counties
28 involved. If a division is located in two or more counties, election
29 expenses for that division shall be shared proportionally based on the number
30 of qualified electors of each county that are residents of the division. All
31 expenses for the election of at large directors are the responsibility of the
32 district.

33 H. Candidates for election to the board and their campaign committees
34 shall register with and report to the secretary of state and otherwise comply
35 with the requirements of title 16, chapter 6 regarding elections under this
36 section.

37 Sec. 23. Section 48-4832, Arizona Revised Statutes, is amended to
38 read:

39 48-4832. Elections; nominating petitions

40 A. A candidate for election to the permanent board as a division
41 director shall be nominated by a petition signed by at least one hundred
42 fifty qualified electors of the division in which the candidate resides. A
43 candidate for election to the permanent board as an at large county director
44 shall be nominated by a petition signed by at least one hundred fifty
45 qualified electors of that portion of the county that is within the district.

1 B. If a division is located wholly in one county and for the at large
2 board position for that county, the nominating petition shall be filed with
3 the clerk of the board of supervisors or the elections officer of that county
4 as prescribed by title 16, chapter 3.

5 C. If a division is located in two or more counties, the nominating
6 petition shall be filed AS PRESCRIBED BY TITLE 16, CHAPTER 3 with the
7 ~~secretary of state~~ COUNTY ELECTION OFFICER FOR THE COUNTY WITH THE HIGHEST
8 NUMBER OF REGISTERED VOTERS WITHIN THE DISTRICT ~~as prescribed by title 16,~~
9 ~~chapter 3~~. The ~~secretary of state~~ COUNTY ELECTION OFFICER shall immediately
10 notify the board of supervisors of each county included in the division.
11 Each board of supervisors so notified shall provide for the manner of voting
12 and conduct of the election as provided for in subsection D.

13 D. The names of the candidates for election to the permanent board
14 shall be included on the election ballot of the division in which the
15 candidate resides, or on the election ballot for that portion of the county
16 that is within the district, as appropriate, without party designation. The
17 manner of voting and conducting the election for the directors shall conform
18 to the provisions of law relating to the general election of county officers
19 including compliance with any applicable federal voting laws.

20 E. Title 16, chapter 2, article 3 does not apply to any election held
21 pursuant to this section.

22 F. All expenses for the election of members of the permanent board
23 incurred pursuant to this section are the responsibility of the county or
24 counties involved. If a division is located in two or more counties,
25 election expenses for that division shall be shared proportionately based on
26 the number of qualified electors of each county who are residents of the
27 division.

28 G. Candidates for the permanent board and their campaign committees
29 shall register with and report to the secretary of state and otherwise comply
30 with the requirements of title 16, chapter 6, regarding elections under this
31 section.

32 Sec. 24. Emergency

33 This act is an emergency measure that is necessary to preserve the
34 public peace, health or safety and is operative immediately as provided by
35 law.